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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BOARD OF TRUSTEES OF THE
11 LOCALS 302 AND 612 OF THE
12 INTERNATIONAL UNION OF
13 OPERATING ENGINEERS
14 CONSTRUCTION INDUSTRY
15 HEALTH AND SECURITY FUND,
16 et al.,

17 Plaintiffs,

18 v.

19 FENIX EARTHWORKS LLC,

20 Defendant.

CASE NO. C22-0799JLR

ORDER DENYING MOTION
FOR HEARING

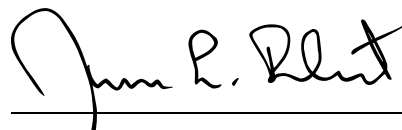
21 Before the court is Defendant Fenix Earthworks LLC's ("Fenix") motion for a
22 hearing regarding its motion to vacate the clerk's entry of default and Plaintiffs' motion
for default judgment. (Hrg. Mot. (Dkt. # 13); *see* Vac. Mot. (Dkt. # 12); Def. J. Mot.
(Dkt. # 9).) Fenix asks the court to (1) reset the noting date for Plaintiffs' motion for

1 default judgment from October 21, 2022, to October 28, 2022, to comply with Local
2 Civil Rule 7(d)(3) and to ensure that the parties' motions are considered together and (2)
3 grant it oral argument on the parties' motions. (*See* Hrg. Mot. (citing Local Rules W.D.
4 Wash. LCR 7(d)(3)).) Plaintiffs did not respond to Fenix's motion for a hearing. (*See*
5 *generally* Dkt.)

6 After Fenix filed its motion, the court reset the noting date for Plaintiffs' motion
7 for default judgment (*see* 10/14/22 Dkt. Entry), and the parties subsequently briefed the
8 two motions in accordance with the schedule set forth in Local Civil Rule 7(d)(3) (*see*
9 *generally* Dkt.). That portion of Fenix's motion is, therefore, MOOT.

10 With respect to Fenix's request for oral argument, under Local Civil Rule 7(b)(4),
11 a party who seeks oral argument must include the words "ORAL ARGUMENT
12 REQUESTED" in the caption of its motion or responsive memorandum. *See* Local Rules
13 W.D. Wash. LCR 7(b)(4). Fenix did not include this language in the caption of either its
14 motion to vacate the entry of default or its response to Plaintiffs' motion for default
15 judgment. (*See* Vac. Mot. at 1; Def. J. Resp. (Dkt. # 15) at 1.) Accordingly, this portion
16 of Fenix's motion is DENIED for failure to comply with the local rules. Nevertheless, if
17 the court finds during its consideration of the pending motions that argument would be
18 helpful to its disposition of the motions, it will notify the parties and schedule a hearing.

19 Dated this 3rd day of November, 2022.

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21 JAMES L. ROBART
22 United States District Judge